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HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES  
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# HOUSE RESEARCH ORGANIZATION

## daily floor report

Wednesday, Jan. 11, 1989  
The House convenes at 10 a.m.

HR 14 by Kuempel, the proposed Housekeeping Resolution for 1989-90, and HR 15 by Wilson and Gibson, the proposed House Rules, are expected to be considered today. The changes proposed by each are summarized in today's Daily Floor Report.

The Senate will convene at 9:30 a.m. for announcement of committee appointments and first reading and referral of bills. The Senate Finance Committee will meet upon adjournment in Room 301 of the Capitol to hear Legislative Budget Office director Jim Oliver give an overview of the fiscal 1990-91 state budget. The Senate State Affairs Committee will hold an organizational meeting in the Lt. Governor's Committee Room at 2:30 p.m.

Please return your ballot for the steering committee election by 5 p.m. tomorrow if you have not already done so.



Anita Hill  
Chairman

## PROPOSED HOUSE RULE CHANGES -- HR 15 by Wilson, Gibson

HR 15, the proposed Rules of the House for the 71st Legislature, would make several changes in the House Rules adopted for the 70th Legislature

### Committee Changes

#### New committees

The number of committees would increase, from 34 last session to 36. Thirty of the committees would be substantive, while six would be procedural. Substantive committees report legislation, and one-half of the committee slots are reserved for members designating their committee preference by seniority (all except Appropriations). The speaker appoints all members of procedural committees.

A State, Federal and International Relations Committee, abolished last session, would be restored as a substantive committee, with nine members. It would have jurisdiction over commerce and trade (concurrent with the Business and Commerce Committee), relations between the state and the federal government, other states and foreign nations, and international tourist development and goodwill. It would have jurisdiction over the Office of State-Federal Relations and the Good Neighbor Commission (transferred from the State Affairs Committee) (HR 15, pp. 43-45).

A Redistricting Committee would be established as a nine-member procedural committee. The committee would have jurisdiction over legislative, congressional, judicial and state agency districts and preparations for the 1991 redistricting process (pp. 40-41, 49).

#### Jurisdictional and other changes

The membership of the County Affairs and Urban Affairs Committees would be reduced from 13 to 11 (pp. 27, 45). The Appropriations Committee membership would decrease from 29 to 23 (see below).

The Environmental Affairs Committee would gain jurisdiction over land pollution as well as air and water pollution and over environmental regulation of industrial development (p. 29).

Jurisdiction over state agencies would be redistributed and revised to reflect changes in agency names and agencies consolidated or abolished last session. The Judiciary Committee would no longer have jurisdiction over any state agency. The Judicial Affairs Committee would gain jurisdiction over the Office of Attorney General, the Office of Court Administration, the State Law Library, the Texas Judicial Council (from Judiciary) and the Court of Criminal Appeals (from Criminal Jurisprudence). Jurisdiction over the Criminal Justice Policy Council would be shifted from Criminal Jurisprudence to Corrections.

Jurisdiction over the Texas Department of Aging and the Texas Board of Licensure for Nursing Home Administrators would be shifted from the Retirement and Aging Committee to the Human Services Committee. Jurisdiction over the Texas Tourist Development Agency, the Texas Film Commission and the Texas Music Commission would be transferred from the Cultural and Historical Resources Committee to the Business and Commerce Committee, which has jurisdiction over the consolidated Texas Department of Commerce that now includes those agencies.

Sworn statements by witnesses would "accompany," rather than "be attached to," the copy of the minutes of a committee meeting filed with the committee coordinator (p. 58).

#### Committee membership

The speaker would "designate" the chair and vice chair from the total membership of the committee, rather than "appoint" the chair and vice chair separately, as now (pp. 7, 48-49). The effect of this change would be to allow the speaker to name as chair or vice chair members who obtain their committee membership by seniority rather than by speaker appointment.

A maximum of one-half of the membership of each standing committee must now be determined by the preference of the representatives, based on their seniority. Allowing the speaker to designate a seniority committee member as chair or vice chair would not reduce the number of committee slots determined by seniority -- the chair and vice chair are already excluded in determining the number of these committee slots. If the speaker designated a seniority member as chair or vice chair, he would be able to appoint another, non-seniority member to serve as a committee member.

Neither the chair of the State Affairs Committee nor the chair of the Appropriations Committee could serve on any other

substantive committee (p. 50). Under current rules, only the chair of the Appropriations Committee is under such a limitation.

#### Effect of election contest on seniority

The representative from a district for which an election contest is "not resolved" prior to the determination of the membership of standing committees would not be entitled to select a committee preference on the basis of seniority. Any committee appointment for the member from that district would be designated by district number (p. 49).

The proposed change does not define "resolved" and could be subject to future interpretation. For example, if the election in the district were voided by the House, requiring a special election to fill the seat, the incumbent from the previous legislature would serve until a successor had been elected. Would the incumbent lose seniority in designating committee preferences because the contest has not yet been finally "resolved" by a special election? By voiding the election, would the House have "resolved" the contest, at least temporarily?

#### Special Study Committees

Special study committees could no longer be created by resolution. The speaker would have exclusive authority to create special select committees to conduct studies and to specify, by proclamation, the issue to be studied, the committee membership and any additional authority or duties (pp. 81-83).

Any concurrent resolution establishing a special joint study committee could not authorize or create an individual special joint study committee. A concurrent resolution only could establish procedures for the speaker to authorize and appoint, jointly with the Senate, special committees to conduct interim studies.

The members of special study committees named by the speaker could include public citizens and state and local officials. The speaker would designate the committee chair and vice chair and could authorize the chair to appoint subcommittees and appoint citizen advisory committees.

The rules governing House and standing committee proceedings would apply to special study committees, "to the extent that they are applicable." A special study committee could issue process and request assistance of state agencies. Special study committees would use existing staff resources of members,

standing committees, house offices and legislative service agencies. They could issue process and request assistance of state agencies under the same procedures as standing committees. The chair would prepare a detailed budget for approval by the speaker and the House Administration Committee. A special study committee could accept gifts, grants and donations to fund its activities, as provided by law.

Any final report or recommendation would have to be approved by a majority of the committee membership. Dissenting members could attach statements to the final report. A special study committee would expire on release of its final report or when the next legislature convenes, whichever was earlier.

Standing committees could conduct interim and special studies only if authorized by the speaker; a study could not be authorized by resolution. The speaker could appoint public citizens and state and local officials to augment the membership of standing committees for the purpose of conducting interim studies. The chairs of standing committee would have to prepare a budget for interim studies for approval by the House Administration Committee.

During the regular and special sessions of the 70th Legislature, five studies by standing House committees and two joint studies by standing House and Senate committees were directed by resolution. Eight House select study committees and 30 joint study committees (including Senate and public members) were established by resolution.

### Appropriations

The membership of the Appropriations Committee would be reduced from 29 to 23 members (p. 24). The members would consist of a chair and vice chair appointed by the speaker, and the chairs for budget and oversight for each substantive committee, as now. However, the County Affairs, Criminal Jurisprudence, Government Organization, Judiciary, Retirement and Aging, Science and Technology, State, Federal, and International Relations, and Urban Affairs Committees would not have chairs for Budget and Oversight (p. 49). The chairs of those committees (except for Government Organization, which has no appropriations oversight jurisdiction) would serve as budget and oversight chairs, for all purposes except membership on the Appropriations Committee, and the full committee would perform the functions of a budget and oversight subcommittee (p. 143).

The provisions of Rule 9, establishing procedures for consideration of appropriation bills, would not apply during special sessions (p. 142).

Art. 7 of the General Appropriations bill, dealing with capital expenditures and their method of financing in this session's version of the bill, would not be assigned for review by a substantive committee. Under current plans, each budget and oversight subcommittee (or committee acting in its place) will retain jurisdiction to recommend capital expenditures for the agencies under its jurisdiction, but all capital outlays will be authorized separately in Art. 7 (p. 144).

#### Criminal Justice Policy Impact Statement

Certain bills and joint resolutions could not be heard in committee unless accompanied by criminal justice impact statements assessing their potential effect on corrections agencies. The statements would be prepared by the Legislative Budget Office.

Bills and joint resolutions subject to the requirement would include those authorizing or requiring a change in the penalty for felonies committed by adults and those dealing with sentences, adjustment of sentences such as probation, parole and mandatory supervision and changes in eligibility, revocation and good time credits.

The LBO could use information or data supplied by any person, agency, organization or government unit deemed reliable by the LBB director, citing the source of information and the extent it was relied upon.

If the LBO could not complete the statement within 15 days of receipt of the bill or resolution or if the director determined that the policy impact could not be ascertained, the director would state these conditions in the statement, which would be deemed in full compliance.

If the bill or resolution were amended in committee to alter its policy implications, an updated policy impact statement would have to be prepared and attached to the committee report (pp. 68-69).

#### Water Development Policy Impact Statement

Any bill proposing creation of a local water district would have to be accompanied by a water development policy impact

statement prepared by the Texas Water Development Board and the Texas Water Commission before it could be heard by a committee.

The statement would have to include at least an evaluation of population projections used to justify creation of the district, the proposed district finances, including bond issuance powers and taxing authority and the authority of the Texas Water Commission to approve bond issues, the method of selecting and the powers of the district board of directors, the impact on the objectives of the Texas Water Development Board's water plan, the extent of Texas Water Commission supervision of the proposed district, the district's eminent domain powers and exclusion of any land from the proposed district. The statement would also have to comment upon the adequacy of the description of the proposed district and any proposed powers or duties not provided by, or different from, those provided by general law for similar types of districts.

The requirement for the statement would not apply if the board and commission could not provide it within 30 days of the bill's introduction or its receipt from the Senate. A statement would not be required for a Senate bill substantially similar to a House bill for which a statement had already been prepared.

An updated statement would be required if the bill were amended in committee in a way that altered its implications (pp. 73-74).

#### Bill Consideration After Recommitment to Committee

Under current rules, if bills are recommitted to committee on third reading and reported again to the floor, any amendments are considered on the floor on second reading (requiring only a majority vote for adoption of amendments, rather than the two-thirds vote required on third reading). After the amendments are considered, then the question is on final passage of the bill, rather than passage to third reading. The proposed rule change would require that a bill recommitted on third reading and reported again must be passed on both second reading and on third reading (p. 156).

#### Call for Full Reading Abolished

Under current rules, when a bill is before the House on second or third reading, any member may call for a full reading of the bill, but the reading may be suspended by a majority vote. The proposed rules would delete the provision for a call for full reading (p. 139).

### Deadline to Record Vote in Journal

Under current rules, members may record in the House Journal their 'yea' or 'nay' vote on a nonrecord vote or on a vote taken when they are temporarily absent, within two hours of the actual vote, as long as the House has not adjourned or recessed for the day. The proposed rules would reduce this two-hour deadline to 30 minutes (pp. 98, 100).

### Resolutions Calendar

The resolutions set on the resolutions calendar (which includes all but congratulatory and memorial resolutions) by the Local and Consent Calendars Committee would be treated the same as bills on the local or consent calendars. For example, such resolutions would require unanimous consent to be reported from committee, could not be amended from the floor and would be withdrawn from consideration if contested (pp. 110-111, 114-116, 155-156).

### Miscellaneous Bill Provisions

Bills creating or affecting a road utility district would be considered "local bills" for requirements such as publishing notice of introduction in a local newspaper 30 days in advance (p. 137).

Under current rules, 13 copies of most types of bills must be filed with the chief clerk when introduced; the proposed rules would reduce this number to 12. For bills relating to certain conservation and reclamation districts, 15 copies must now be filed; the proposed rules would reduce this number to 14 (p. 135).

### House Employee Provisions

The position of committee coordinator would be listed in the rules. The committee coordinator's duties would include maintaining duplicate originals of committee minutes and sworn statements by witnesses, verifying compliance with House rules for each bill or resolution reported from committee, endorsing all committee reports prior to forwarding them to the chief clerk for printing and providing other necessary assistance to standing and special committees (pp. 17-18).

The reading clerk would be under the authority of the journal clerk rather than the sergeant-at-arms (p. 15).



The chief clerk would no longer note the date a water district bill is forwarded to the governor and the date that the recommendations made concerning the bill by the Texas Water Commission were filed with the chief clerk. If a water development policy impact statement has not already been prepared for a bill passed by the Senate creating a conservation and reclamation district, the chief clerk would be required to forward a copy of the bill to the Texas Water Development Board and the Texas Water Commission to prepare a statement (pp. 9-11).